

Senate Amendment 3317

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1 1 Amend Senate File 340 as follows:
1 2 #1. By striking everything after the enacting
1 3 clause and inserting the following:
1 4 <DIVISION I
1 5 SEX OFFENDER REGISTRY
1 6 Section 1. NEW SECTION. 692A.101 DEFINITIONS.
1 7 As used in this chapter and unless the context
1 8 otherwise requires:
1 9 1. a. "Aggravated offense" means a conviction for
1 10 any of the following offenses:
1 11 (1) Sexual abuse in the first degree in violation
1 12 of section 709.2.
1 13 (2) Sexual abuse in the second degree in violation
1 14 of section 709.3.
1 15 (3) Sexual abuse in the third degree in violation
1 16 of section 709.4, subsection 1.
1 17 (4) Lascivious acts with a child in violation of
1 18 section 709.8, subsection 1 or 2.
1 19 (5) Assault with intent to commit sexual abuse in
1 20 violation of section 709.11.
1 21 (6) Burglary in the first degree in violation of
1 22 section 713.3, subsection 1, paragraph "d".
1 23 (7) Kidnapping, if sexual abuse as defined in
1 24 section 709.1 is committed during the commission of
1 25 the offense.
1 26 (8) Murder in violation of section 707.2 or 707.3,
1 27 if sexual abuse as defined in section 709.1 is
1 28 committed during the offense.
1 29 (9) Criminal transmission of human
1 30 immunodeficiency virus in violation of section 709C.1,
1 31 subsection 1, paragraph "a".
1 32 b. Any conviction for an offense specified in the
1 33 laws of another jurisdiction or any conviction for an
1 34 offense prosecuted in federal, military, or foreign
1 35 court, that is comparable to an offense listed in
1 36 paragraph "a" shall be considered an aggravated
1 37 offense for purposes of registering under this
1 38 chapter.
1 39 2. "Aggravated offense against a minor" means a
1 40 conviction for any of the following offenses, if such
1 41 offense was committed against a minor, or otherwise
1 42 involves a minor:
1 43 a. Sexual abuse in the first degree in violation
1 44 of section 709.2.
1 45 b. Sexual abuse in the second degree in violation
1 46 of section 709.3.
1 47 c. Sexual abuse in the third degree in violation
1 48 of section 709.4, except for a violation of section
1 49 709.4, subsection 2, paragraph "c", subparagraph (4).
1 50 3. "Appearance" means to appear in person at a
2 1 sheriff's office.
2 2 4. "Business day" means every day except Saturday,
2 3 Sunday, or any paid holiday for county employees in
2 4 the applicable county.
2 5 5. "Change" means to add, begin, or terminate.
2 6 6. "Child care facility" means the same as defined
2 7 in section 237A.1.
2 8 7. "Convicted" means found guilty of, pleads
2 9 guilty to, or is sentenced or adjudicated delinquent
2 10 for an act which is an indictable offense in this
2 11 state or in another jurisdiction including in a
2 12 federal, military, tribal, or foreign court, including
2 13 but not limited to a juvenile who has been adjudicated
2 14 delinquent, but whose juvenile court records have been
2 15 sealed under section 232.150, and a person who has
2 16 received a deferred sentence or a deferred judgment or
2 17 has been acquitted by reason of insanity.
2 18 "Conviction" includes the conviction of a juvenile
2 19 prosecuted as an adult. "Convicted" also includes a
2 20 conviction for an attempt or conspiracy to commit an
2 21 offense. "Convicted" does not mean a plea, sentence,
2 22 adjudication, deferred sentence, or deferred judgment
2 23 which has been reversed or otherwise set aside.
2 24 8. "Criminal or juvenile justice agency" means an

2 25 agency or department of any level of government or an
2 26 entity wholly owned, financed, or controlled by one or
2 27 more such agencies or departments which performs as
2 28 its principal function the apprehension, prosecution,
2 29 adjudication, incarceration, or rehabilitation of
2 30 criminal or juvenile offenders.

2 31 9. "Department" means the department of public
2 32 safety.

2 33 10. "Employee" means an offender who is
2 34 self-employed, employed by another, and includes a
2 35 person working under contract, or acting or serving as
2 36 a volunteer, regardless of whether the
2 37 self-employment, employment by another, or
2 38 volunteerism is performed for compensation.

2 39 11. "Employment" means acting as an employee.

2 40 12. "Foreign court" means a court of a foreign
2 41 nation that is recognized by the United States
2 42 department of state that enforces the right to a fair
2 43 trial during the period in which a conviction
2 44 occurred.

2 45 13. "Habitually lives" means living in a place
2 46 with some regularity, and with reference to where the
2 47 sex offender actually lives, which could be some place
2 48 other than a mailing address or primary address but
2 49 would entail a place where the sex offender lives on
2 50 an intermittent basis.

3 1 14. "Incarcerated" means to be imprisoned by
3 2 placing a person in a jail, prison, penitentiary,
3 3 juvenile facility, or other correctional institution
3 4 or facility or a place or condition of confinement or
3 5 forcible restraint regardless of the nature of the
3 6 institution in which the person serves a sentence for
3 7 a conviction.

3 8 15. "Internet identifier" means an electronic mail
3 9 address, instant message address or identifier, or any
3 10 other designation or moniker used for
3 11 self-identification during internet communication or
3 12 posting, including all designations used for the
3 13 purpose of routing or self-identification in internet
3 14 communications or postings.

3 15 16. "Jurisdiction" means any state of the United
3 16 States, the District of Columbia, the Commonwealth of
3 17 Puerto Rico, Guam, American Samoa, the Northern
3 18 Mariana Islands, the United States Virgin Islands, or
3 19 a federally recognized Indian tribe.

3 20 17. "Loiter" means remaining in a place or
3 21 circulating around a place under circumstances that
3 22 would warrant a reasonable person to believe that the
3 23 purpose or effect of the behavior is to enable a sex
3 24 offender to become familiar with a location where a
3 25 potential victim may be found, or to satisfy an
3 26 unlawful sexual desire, or to locate, lure, or harass
3 27 a potential victim.

3 28 18. "Military offense" means a sex offense
3 29 specified by the secretary of defense under 10 U.S.C.
3 30 } 951.

3 31 19. "Minor" means a person under eighteen years of
3 32 age.

3 33 20. "Principal residence" for a sex offender
3 34 means:

3 35 a. The residence of the offender, if the offender
3 36 has only one residence in this state.

3 37 b. The residence at which the offender resides,
3 38 sleeps, or habitually lives for more days per year
3 39 than another residence in this state, if the offender
3 40 has more than one residence in this state.

3 41 c. The place of employment or attendance as a
3 42 student, or both, if the sex offender does not have a
3 43 residence in this state.

3 44 21. "Professional licensing information" means the
3 45 name or other description, number, if applicable, and
3 46 issuing authority or agency of any license,
3 47 certification, or registration required by law to
3 48 engage in a profession or occupation held by a sex
3 49 offender who is required at the time of the initial
3 50 requirement to register under this chapter, or any
4 1 such license, certification, or registration that was
4 2 issued to an offender within the five-year period
4 3 prior to conviction for a sex offense that requires
4 4 registration under this chapter, or any such license,
4 5 certification, or registration that is issued to an

4 6 offender at any time during the duration of the
4 7 registration requirement.

4 8 22. "Public library" means any library that
4 9 receives financial support from a city or county
4 10 pursuant to section 256.69.

4 11 23. a. "Relevant information" means the following
4 12 information with respect to a sex offender:

4 13 (1) Criminal history, including warrants,
4 14 articles, status of parole, probation, or supervised
4 15 release, date of arrest, date of conviction, and
4 16 registration status.

4 17 (2) Date of birth.

4 18 (3) Passport and immigration documents.

4 19 (4) Government issued driver's license or
4 20 identification card.

4 21 (5) DNA sample.

4 22 (6) Educational institutions attended as a
4 23 student, including the name and address of such
4 24 institutions.

4 25 (7) Employment information including name and
4 26 address of employer.

4 27 (8) Fingerprints.

4 28 (9) Internet identifiers.

4 29 (10) Names, nicknames, aliases, or ethnic or
4 30 tribal names, and if applicable, the real names of an
4 31 offender protected under 18 U.S.C. } 3521.

4 32 (11) Palm prints.

4 33 (12) Photographs.

4 34 (13) Physical description, including scars, marks,
4 35 or tattoos.

4 36 (14) Professional licensing information.

4 37 (15) Residence.

4 38 (16) Social security number.

4 39 (17) Telephone numbers, including any landline or
4 40 wireless numbers.

4 41 (18) Temporary lodging information, including
4 42 dates when residing in temporary lodging.

4 43 (19) Statutory citation and text of offense
4 44 committed that requires registration under this
4 45 chapter.

4 46 (20) Vehicle information for a vehicle owned or
4 47 operated by an offender including license plate
4 48 number, registration number, or other identifying
4 49 number, vehicle description, and the permanent or
4 50 frequent locations where the vehicle is parked,
5 1 docked, or otherwise kept.

5 2 (21) The name, gender, and date of birth of each
5 3 person residing in the residence.

5 4 b. "Relevant information" does not include
5 5 relevant information in paragraph "a", subparagraphs
5 6 (1) and (19), when a sex offender is required to
5 7 provide relevant information pursuant to this chapter.

5 8 24. "Residence" means each dwelling or other place
5 9 where a sex offender resides, sleeps, or habitually
5 10 lives, or will reside, sleep, or habitually live,
5 11 including a shelter or group home. If a sex offender
5 12 does not reside, sleep, or habitually live in a fixed
5 13 place, "residence" means a description of the
5 14 locations where the offender is stationed regularly,
5 15 including any mobile or transitory living quarters.
5 16 "Residence" shall be construed to refer to the places
5 17 where a sex offender resides, sleeps, habitually
5 18 lives, or is stationed with regularity, regardless of
5 19 whether the offender declares or characterizes such
5 20 place as the residence of the offender.

5 21 25. "Sex act" means as defined in section 702.17.

5 22 26. "Sex offender" means a person who is required
5 23 to be registered under this chapter.

5 24 27. "Sex offense" means an indictable offense for
5 25 which a conviction has been entered that has an
5 26 element involving a sexual act, sexual contact, or
5 27 sexual conduct, and which is enumerated in section
5 28 692A.102, and means any comparable offense for which a
5 29 conviction has been entered under prior law, or any
5 30 comparable offense for which a conviction has been
5 31 entered in a federal, military, or foreign court, or
5 32 another jurisdiction.

5 33 28. "Sex offense against a minor" means an offense
5 34 for which a conviction has been entered for a sex
5 35 offense classified as a tier I, tier II, or tier III
5 36 offense under this chapter if such offense was

5 37 committed against a minor, or otherwise involves a
5 38 minor.

5 39 29. "Sexually violent offense" means an offense
5 40 for which a conviction has been entered for any of the
5 41 following indictable offenses:

5 42 a. Sexual abuse as defined under section 709.1.
5 43 b. Assault with intent to commit sexual abuse in
5 44 violation of section 709.11.
5 45 c. Sexual misconduct with offenders and juveniles
5 46 in violation of section 709.16.
5 47 d. Any of the following offenses, if the offense
5 48 involves sexual abuse or assault with intent to commit
5 49 sexual abuse: murder, attempted murder, kidnapping,
5 50 burglary, or manslaughter.
6 1 e. A criminal offense committed in another
6 2 jurisdiction, including a conviction in a federal,
6 3 military, or foreign court, which would constitute an
6 4 indictable offense under paragraphs "a" through "d" if
6 5 committed in this state.

6 6 30. "Sexually violent predator" means a sex
6 7 offender who has been convicted of an offense which
6 8 would qualify the offender as a sexually violent
6 9 predator under the federal Violent Crime Control and
6 10 Law Enforcement Act of 1994, 42 U.S.C. }
6 11 14071(a)(3)(B), (C), (D), and (E).

6 12 31. "SORNA" means the Sex Offender Registration
6 13 and Notification Act, which is Title I of the federal
6 14 Adam Walsh Child Protection and Safety Act of 2006.

6 15 32. "Student" means a sex offender who enrolls in
6 16 or otherwise receives instruction at an educational
6 17 institution, including a public or private elementary
6 18 school, secondary school, trade or professional
6 19 school, or institution of higher education. "Student"
6 20 does not mean a sex offender who enrolls in or attends
6 21 an educational institution as a correspondence
6 22 student, distance learning student, or any other form
6 23 of learning that occurs without physical presence on
6 24 the real property of an educational institution.

6 25 33. "Superintendent" means the superintendent or
6 26 superintendent's designee of a public school or the
6 27 authorities in charge of a nonpublic school.

6 28 34. "Vehicle" means a vehicle owned or operated by
6 29 an offender, including but not limited to a vehicle
6 30 for personal or work-related use, and including a
6 31 watercraft or aircraft, that is subject to
6 32 registration requirements under chapter 321, 328, or
6 33 462A.

6 34 Sec. 2. NEW SECTION. 692A.102 SEX OFFENSE
6 35 CLASSIFICATIONS.

6 36 1. For purposes of this chapter, all individuals
6 37 required to register shall be classified as a tier I,
6 38 tier II, or tier III offender. For purposes of this
6 39 chapter, sex offenses are classified into the
6 40 following tiers:

6 41 a. Tier I offenses include a conviction for the
6 42 following sex offenses:

6 43 (1) Sexual abuse in the second degree in violation
6 44 of section 709.3, subsection 2, if committed by a
6 45 person under the age of fourteen.
6 46 (2) Sexual abuse in the third degree in violation
6 47 of section 709.4, subsection 1, 3, or 4, if committed
6 48 by a person under the age of fourteen.
6 49 (3) Sexual abuse in the third degree in violation
6 50 of section 709.4, subsection 2, paragraph "a" or "b",
7 1 if committed by a person under the age of fourteen.
7 2 (4) Sexual abuse in the third degree in violation
7 3 of section 709.4, subsection 2, paragraph "c".
7 4 (5) Indecent exposure in violation of section
7 5 709.9.
7 6 (6) Harassment in violation of section 708.7,
7 7 subsection 1, 2, or 3, if a determination is made that
7 8 the offense was sexually motivated pursuant to section
7 9 692A.126.
7 10 (7) Stalking in violation of section 708.11,
7 11 except a violation of subsection 3, paragraph "b",
7 12 subparagraph (3), if a determination is made that the
7 13 offense was sexually motivated pursuant to section
7 14 692A.126.
7 15 (8) (a) Dissemination or exhibition of obscene
7 16 material to minors in violation of section 728.2 or
7 17 telephone dissemination of obscene material to minors

7 18 in violation of 728.15.
7 19 (b) Rental or sale of hard-core pornography, if
7 20 delivery is to a minor, in violation of section 728.4.
7 21 (9) Admitting minors to premises where obscene
7 22 material is exhibited in violation of section 728.3.
7 23 (10) Receipt or possession of child pornography in
7 24 violation of 18 U.S.C. } 2252.
7 25 (11) Material containing child pornography in
7 26 violation of 18 U.S.C. } 2252A.
7 27 (12) Misleading domain names on the internet in
7 28 violation of 18 U.S.C. } 2252B.
7 29 (13) Misleading words or digital images on the
7 30 internet in violation of section 18 U.S.C. } 2252C.
7 31 (14) Failure to file a factual statement about an
7 32 alien individual in violation of 18 U.S.C. } 2424.
7 33 (15) Transmitting information about a minor to
7 34 further criminal sexual conduct in violation of 18
7 35 U.S.C. } 2425.
7 36 (16) Any sex offense specified in the laws of
7 37 another jurisdiction or any sex offense that may be
7 38 prosecuted in federal, military, or foreign court,
7 39 that is comparable to an offense listed in
7 40 subparagraphs (1) through (15).
7 41 (17) Any sex offense under the prior laws of this
7 42 state or another jurisdiction, or any sex offense
7 43 under prior law that was prosecuted in a federal,
7 44 military, or foreign court, that is comparable to an
7 45 offense listed in subparagraphs (1) through (15).
7 46 b. Tier II offenses include a conviction for the
7 47 following sex offenses:
7 48 (1) Detention in brothel in violation of section
7 49 709.7.
7 50 (2) Lascivious acts with a child in violation of
8 1 section 709.8, subsection 3 or 4.
8 2 (3) Solicitation of a minor to engage in an
8 3 illegal sex act in violation of section 705.1.
8 4 (4) Solicitation of a minor to engage an illegal
8 5 act under section 709.8, subsection 3, in violation of
8 6 section 705.1.
8 7 (5) Solicitation of a minor to engage in an
8 8 illegal act under section 709.12, in violation of
8 9 section 705.1.
8 10 (6) False imprisonment of a minor in violation of
8 11 section 710.7, except if committed by a parent.
8 12 (7) Assault with intent to commit sexual abuse if
8 13 no injury results in violation of section 709.11.
8 14 (8) Invasion of privacy-nudity in violation of
8 15 section 709.21.
8 16 (9) Stalking in violation of section 708.11,
8 17 subsection 3, paragraph "b", subparagraph (3), if a
8 18 determination is made that the offense was sexually
8 19 motivated pursuant to section 692A.126.
8 20 (10) Indecent contact with a child in violation of
8 21 section 709.12, if the child is thirteen years of age.
8 22 (11) Lascivious conduct with a minor in violation
8 23 of section 709.14.
8 24 (12) Sexual exploitation by a counselor,
8 25 therapist, or school employee in violation of section
8 26 709.15, if the victim is thirteen years of age or
8 27 older.
8 28 (13) Sexual misconduct with offenders and
8 29 juveniles in violation of section 709.16, if the
8 30 victim is thirteen years of age or older.
8 31 (14) Kidnapping of a person who is not a minor in
8 32 violation of section 710.2, 710.3, or 710.4, if a
8 33 determination is made that the offense was sexually
8 34 motivated pursuant to section 692A.126.
8 35 (15) Solicitation of a minor to engage in an
8 36 illegal act under section 725.3, subsection 2, in
8 37 violation of section 705.1.
8 38 (16) Incest committed against a dependant adult as
8 39 defined in section 235B.2 in violation of section
8 40 726.2.
8 41 (17) Incest committed against a minor in violation
8 42 of section 726.2.
8 43 (18) Sexual exploitation of a minor in violation
8 44 of section 728.12, subsection 2 or 3.
8 45 (19) Material involving the sexual exploitation of
8 46 a minor in violation of 18 U.S.C. } 2252(a), except
8 47 receipt or possession of child pornography.
8 48 (20) Production of sexually explicit depictions of

8 49 a minor for import into the United States in violation
8 50 of 18 U.S.C. } 2260.

9 1 (21) Transportation of a minor for illegal sexual
9 2 activity in violation of 18 U.S.C. } 2421.

9 3 (22) Coercion and enticement of a minor for
9 4 illegal sexual activity in violation of 18 U.S.C. }
9 5 2422(a) or (b).

9 6 (23) Transportation of minors for illegal sexual
9 7 activity in violation of 18 U.S.C. } 2423(a).

9 8 (24) Travel with the intent to engage in illegal
9 9 sexual conduct with a minor in violation of 18 U.S.C.
9 10 } 2423.

9 11 (25) Engaging in illicit sexual conduct in foreign
9 12 places in violation of 18 U.S.C. } 2423(c).

9 13 (26) Video voyeurism of a minor in violation of 18
9 14 U.S.C. } 1801.

9 15 (27) Any sex offense specified in the laws of
9 16 another jurisdiction or any offense that may be
9 17 prosecuted in a federal, military, or foreign court,
9 18 that is comparable to an offense listed in
9 19 subparagraphs (1) through (26).

9 20 (28) Any sex offense under the prior laws of this
9 21 state or another jurisdiction, or any sex offense
9 22 under prior law that was prosecuted in a federal,
9 23 military, or foreign court, that is comparable to a
9 24 sex offense listed in subparagraphs (1) through (26).

9 25 c. Tier III offenses include a conviction for the
9 26 following sex offenses:

9 27 (1) Murder in violation of section 707.2 or 707.3
9 28 if sexual abuse as defined in section 709.1 is
9 29 committed during the commission of the offense.

9 30 (2) Murder in violation of section 707.2 or 707.3,
9 31 if a determination is made that the offense was
9 32 sexually motivated pursuant to section 692A.126.

9 33 (3) Voluntary manslaughter in violation of section
9 34 707.4, if a determination is made that the offense was
9 35 sexually motivated pursuant to section 692A.126.

9 36 (4) Involuntary manslaughter in violation of
9 37 section 707.5, if a determination is made that the
9 38 offense was sexually motivated pursuant to section
9 39 692A.126.

9 40 (5) Attempt to commit murder in violation of
9 41 section 707.11, if a determination is made that the
9 42 offense was sexually motivated pursuant to section
9 43 692A.126.

9 44 (6) Sexual abuse in the first degree in violation
9 45 of section 709.2.

9 46 (7) Sexual abuse in the second degree in violation
9 47 of section 709.3, subsection 1 or 3.

9 48 (8) Sexual abuse in the second degree in violation
9 49 of section 709.3, subsection 2, if committed by a
9 50 person fourteen years of age or older.

10 1 (9) Sexual abuse in the third degree in violation
10 2 of section 709.4, subsection 1, 3, or 4, if committed
10 3 by a person fourteen years of age or older.

10 4 (10) Sexual abuse in the third degree in violation
10 5 of section 709.4, subsection 2, paragraph "a" or "b",
10 6 if committed by a person fourteen years of age or
10 7 older.

10 8 (11) Lascivious acts with a child in violation of
10 9 section 709.8, subsection 1 or 2.

10 10 (12) Kidnapping in violation of section 710.2 if
10 11 sexual abuse as defined in section 709.1 is committed
10 12 during the commission of the offense.

10 13 (13) Kidnapping of a minor in violation of section
10 14 710.2, 710.3, or 710.4, if a determination is made
10 15 that the offense was sexually motivated pursuant to
10 16 section 692A.126.

10 17 (14) Assault with intent to commit sexual abuse
10 18 resulting in serious or bodily injury in violation of
10 19 section 709.11.

10 20 (15) Burglary in the first degree in violation of
10 21 section 713.3, subsection 1, paragraph "d".

10 22 (16) Any other burglary in the first degree
10 23 offense in violation of section 713.3 that is not
10 24 included in subparagraph (15), if a determination is
10 25 made that the offense was sexually motivated pursuant
10 26 to section 692A.126.

10 27 (17) Attempted burglary in the first degree in
10 28 violation of section 713.4, if a determination is made
10 29 that the offense was sexually motivated pursuant to

10 30 section 692A.126.
10 31 (18) Burglary in the second degree in violation of
10 32 section 713.5, if a determination is made that the
10 33 offense was sexually motivated pursuant to section
10 34 692A.126.
10 35 (19) Attempted burglary in the second degree in
10 36 violation of section 713.6, if a determination is made
10 37 that the offense was sexually motivated pursuant to
10 38 section 692A.126.
10 39 (20) Burglary in the third degree in violation of
10 40 section 713.6A, if a determination is made that the
10 41 offense was sexually motivated pursuant to section
10 42 692A.126.
10 43 (21) Attempted burglary in the third degree in
10 44 violation of section 713.6B, if a determination is
10 45 made that the offense was sexually motivated pursuant
10 46 to section 692A.126.
10 47 (22) Criminal transmission of human
10 48 immunodeficiency virus in violation of section 709C.1,
10 49 subsection 1, paragraph "a".
10 50 (23) Human trafficking in violation of section
11 1 710A.2 if sexual abuse or assault with intent to
11 2 commit sexual abuse is committed or sexual conduct or
11 3 sexual contact is an element of the offense.
11 4 (24) Purchase or sale of an individual in
11 5 violation of section 710.11 if a determination is made
11 6 that the offense was sexually motivated pursuant to
11 7 section 692A.126.
11 8 (25) Sexual exploitation of a minor in violation
11 9 of section 728.12, subsection 1.
11 10 (26) Indecent contact with a child in violation of
11 11 section 709.12 if the child is under thirteen years of
11 12 age.
11 13 (27) Sexual exploitation by a counselor,
11 14 therapist, or school employee in violation of section
11 15 709.15, if the child is under thirteen years of age.
11 16 (28) Sexual misconduct with offenders and
11 17 juveniles in violation of section 709.16, if the child
11 18 is under thirteen years of age.
11 19 (29) Child stealing in violation of section 710.5,
11 20 if a determination is made that the offense was
11 21 sexually motivated pursuant to section 692A.126.
11 22 (30) Enticing away a minor in violation of section
11 23 710.10, if the violation includes an intent to commit
11 24 sexual abuse, sexual exploitation, sexual contact, or
11 25 sexual conduct directed towards a minor.
11 26 (31) Sex trafficking of children in violation of
11 27 18 U.S.C. } 1591.
11 28 (32) Aggravated sexual abuse in violation of 18
11 29 U.S.C. } 2241.
11 30 (33) Sexual abuse in violation of 18 U.S.C. }
11 31 2242.
11 32 (34) Sexual abuse of a minor or ward in violation
11 33 of 18 U.S.C. } 2243.
11 34 (35) Abusive sexual contact in violation of 18
11 35 U.S.C. } 2244.
11 36 (36) Offenses resulting in death in violation of
11 37 18 U.S.C. } 2245.
11 38 (37) Sexual exploitation of children in violation
11 39 of 18 U.S.C. } 2251.
11 40 (38) Selling or buying of children in violation of
11 41 18 U.S.C. } 2251A.
11 42 (39) Any sex offense specified in the laws of
11 43 another jurisdiction or any sex offense that may be
11 44 prosecuted in federal, military, or foreign court,
11 45 that is comparable to an offense listed in
11 46 subparagraphs (1) through (38).
11 47 (40) Any sex offense under the prior laws of this
11 48 state or another jurisdiction, or any sex offense
11 49 under prior law that was prosecuted in federal,
11 50 military, or foreign court, that is comparable to a
12 1 sex offense listed in subparagraphs (1) through (38).
12 2 2. A sex offender classified as a tier I offender
12 3 shall be reclassified as a tier II offender, if it is
12 4 determined the offender has one previous conviction
12 5 for an offense classified as a tier I offense.
12 6 3. A sex offender classified as a tier II
12 7 offender, shall be reclassified as a tier III
12 8 offender, if it is determined the offender has a
12 9 previous conviction for a tier II offense or has been
12 10 reclassified as a tier II offender because of a

12 11 previous conviction.
12 12 4. Notwithstanding the classifications of sex
12 13 offenses in subsection 1, any sex offense which would
12 14 qualify a sex offender as a sexually violent predator,
12 15 shall be classified as a tier III offense.
12 16 5. An offense classified as a tier II offense if
12 17 committed against a person under thirteen years of
12 18 age, shall be reclassified as a tier III offense.
12 19 6. Convictions of more than one sex offense which
12 20 require registration under this chapter but which are
12 21 prosecuted within a single indictment shall be
12 22 considered as a single offense for purposes of
12 23 registration.
12 24 Sec. 3. NEW SECTION. 692A.103 OFFENDERS REQUIRED
12 25 TO REGISTER.
12 26 1. A person who has been convicted of any sex
12 27 offense classified as a tier I, tier II, or tier III
12 28 offense, or an offender required to register in
12 29 another jurisdiction under the other jurisdiction's
12 30 sex offender registry, shall register as a sex
12 31 offender as provided in this chapter if the offender
12 32 resides, is employed, or attends school in this state.
12 33 A sex offender shall, upon a first or subsequent
12 34 conviction, register in compliance with the procedures
12 35 specified in this chapter, for the duration of time
12 36 specified in this chapter, commencing as follows:
12 37 a. From the date of placement on probation.
12 38 b. From the date of release on parole or work
12 39 release.
12 40 c. From the date of release from incarceration.
12 41 d. Except as otherwise provided in this section,
12 42 from the date an adjudicated delinquent is released
12 43 from placement in a juvenile facility ordered by a
12 44 court pursuant to section 232.52.
12 45 e. Except as otherwise provided in this section,
12 46 from the date an adjudicated delinquent commences
12 47 attendance as a student at a public or private
12 48 educational institution, other than an educational
12 49 institution located on the real property of a juvenile
12 50 facility if the juvenile has been ordered placed at
13 1 such facility pursuant to section 232.52.
13 2 f. From the date of conviction for a sex offense
13 3 requiring registration if probation, incarceration, or
13 4 placement ordered pursuant to section 232.52 in a
13 5 juvenile facility is not included in the sentencing,
13 6 order, or decree of the court, except as otherwise
13 7 provided in this section for juvenile cases.
13 8 2. A sex offender is not required to register
13 9 while incarcerated. However, the running of the
13 10 period of registration is tolled pursuant to section
13 11 692A.107 if a sex offender is incarcerated.
13 12 3. A juvenile adjudicated delinquent for an
13 13 offense that requires registration shall be required
13 14 to register as required in this chapter unless the
13 15 juvenile court waives the requirement and finds that
13 16 the person should not be required to register under
13 17 this chapter.
13 18 4. Notwithstanding subsections 3 and 5, a juvenile
13 19 fourteen years of age or older at the time the offense
13 20 was committed shall be required to register if the
13 21 adjudication was for an offense committed by force or
13 22 the threat of serious violence, by rendering the
13 23 victim unconscious, or by involuntary drugging of the
13 24 victim. At the time of adjudication the judge shall
13 25 make a determination as to whether the offense was
13 26 committed by force or the threat of serious violence,
13 27 by rendering the victim unconscious, or by involuntary
13 28 drugging of the victim.
13 29 5. If a juvenile is required to register pursuant
13 30 to subsection 3, the juvenile court may, upon motion
13 31 of the juvenile, and after reasonable notice to the
13 32 parties and hearing, modify or suspend the
13 33 registration requirements if good cause is shown.
13 34 a. The motion to modify or suspend shall be made
13 35 and the hearing shall occur prior to the discharge of
13 36 the juvenile from the jurisdiction of the juvenile
13 37 court for the sex offense that requires registration.
13 38 b. If at the time of the hearing the juvenile is
13 39 participating in an appropriate outpatient treatment
13 40 program for juvenile sex offenders, the juvenile court
13 41 may enter orders temporarily suspending the

13 42 requirement that the juvenile register and may defer
13 43 entry of a final order on the matter until such time
13 44 that the juvenile has completed or been discharged
13 45 from the outpatient treatment program.

13 46 c. Final orders shall then be entered within
13 47 thirty days from the date of the juvenile's completion
13 48 or discharge from outpatient treatment.

13 49 d. Any order entered pursuant to this subsection
13 50 that modifies or suspends the requirement to register
14 1 shall include written findings stating the reason for
14 2 the modification or suspension, and shall include
14 3 appropriate restrictions upon the juvenile to protect
14 4 the public during any period of time the registry
14 5 requirements are modified or suspended. Upon entry of
14 6 an order modifying or suspending the requirement to
14 7 register, the juvenile court shall notify the
14 8 superintendent or the superintendent's designee where
14 9 the juvenile is enrolled of the decision.

14 10 e. This subsection does not apply to a juvenile
14 11 fourteen years of age or older at the time the offense
14 12 was committed if the adjudication was for a sex
14 13 offense committed by force or the threat of serious
14 14 violence, by rendering the victim unconscious, or by
14 15 involuntary drugging of the victim.

14 16 6. If a juvenile is required to register and the
14 17 court later modifies or suspends the order regarding
14 18 the requirement to register, the court shall notify
14 19 the department within five days of the decision.

14 20 Sec. 4. NEW SECTION. 692A.104 REGISTRATION
14 21 PROCESS.

14 22 1. A sex offender shall appear in person to
14 23 register with the sheriff of each county where the
14 24 offender has a residence, maintains employment, or is
14 25 in attendance as a student, within five business days
14 26 of being required to register under section 692A.103
14 27 by providing all relevant information to the sheriff.
14 28 A sheriff shall accept the registration of any person
14 29 who is required to register in the county pursuant to
14 30 the provisions of this chapter.

14 31 2. A sex offender shall, within five business days
14 32 of changing a residence, employment, or attendance as
14 33 a student, appear in person to notify the sheriff of
14 34 each county where a change has occurred.

14 35 3. A sex offender shall, within five business days
14 36 of a change in relevant information other than
14 37 relevant information enumerated in subsection 2,
14 38 notify the sheriff of the county where the principal
14 39 residence of the offender is maintained about the
14 40 change to the relevant information. The department
14 41 shall establish by rule what constitutes proper
14 42 notification under this subsection.

14 43 4. A sex offender who is required to verify
14 44 information pursuant to the provisions of section
14 45 692A.108 is only required to appear in person in the
14 46 county where the principal residence of the offender
14 47 is maintained to verify such information.

14 48 5. A sex offender shall, within five business days
14 49 of the establishment of a residence, employment, or
14 50 attendance as a student in another jurisdiction,
15 1 appear in person to notify the sheriff of the county
15 2 where the principal residence of the offender is
15 3 maintained, about the establishment of a residence,
15 4 employment, or attendance in another jurisdiction. A
15 5 sex offender shall, within five business days of
15 6 establishing a new residence, employment, or
15 7 attendance as a student in another jurisdiction,
15 8 register with the registering agency of the other
15 9 jurisdiction, if the offender is required to register
15 10 under the laws of the other jurisdiction. The
15 11 department shall notify the registering agency in the
15 12 other jurisdiction of the sex offender's new
15 13 residence, employment, or attendance as a student in
15 14 the other jurisdiction.

15 15 6. A sex offender, who has multiple residences in
15 16 this state, shall appear in person to notify the
15 17 sheriff of each county where a residence is
15 18 maintained, of the dates the offender will reside at
15 19 each residence including the date when the offender
15 20 will move from one residence to another residence.

15 21 7. Except as provided in subsection 8, the initial
15 22 or subsequent registration and any notifications

15 23 required in subsections 1, 2, 4, 5, and 6 shall be by
15 24 appearance at the sheriff's office and completion of
15 25 the initial or subsequent registration or notification
15 26 shall be on a printed form, which shall be signed and
15 27 dated by the sex offender. If the sheriff uses an
15 28 electronic form to complete the initial registration
15 29 or notification, the electronic form shall be printed
15 30 upon completion and signed and dated by the sex
15 31 offender. The sheriff shall transmit the registration
15 32 or notification form completed by the sex offender
15 33 within five business days by paper copy, or
15 34 electronically, using procedures established by the
15 35 department by rule.

15 36 8. The collection of relevant information by a
15 37 court or releasing agency under section 692A.109 shall
15 38 serve as the sex offender's initial or subsequent
15 39 registration for purposes of this section. However,
15 40 the sex offender shall register by appearing in person
15 41 in the county of residence to verify the offender's
15 42 arrival and relevant information. The court or
15 43 releasing agency shall forward a copy of the
15 44 registration to the department within five business
15 45 days of completion of registration using procedures
15 46 established by the department by rule.

15 47 Sec. 5. NEW SECTION. 692A.105 ADDITIONAL
15 48 REGISTRATION REQUIREMENTS == TEMPORARY LODGING.

15 49 In addition to the registration provisions
15 50 specified in section 692A.104, a sex offender, within
16 1 five business days of a change, shall also appear in
16 2 person to notify the sheriff of the county of
16 3 principal residence, of any location in which the
16 4 offender is staying when away from the principal
16 5 residence of the offender for more than five days, by
16 6 identifying the location and the period of time the
16 7 offender is staying in such location.

16 8 Sec. 6. NEW SECTION. 692A.106 DURATION OF
16 9 REGISTRATION.

16 10 1. Except as otherwise provided in section 232.54,
16 11 692A.103, or 692A.128, or this section, the duration
16 12 of registration required under this chapter shall be
16 13 for a period of ten years. The registration period
16 14 shall begin as provided in section 692A.103.

16 15 2. A sex offender who has been sentenced to a
16 16 special sentence under section 903B.1 or 903B.2, shall
16 17 be required to register for a period equal to the term
16 18 of the special sentence, but in no case not less than
16 19 the period specified in subsection 1.

16 20 3. A sex offender who is convicted of violating
16 21 any of the requirements of this chapter shall register
16 22 for an additional ten years, commencing from the date
16 23 the offender's registration would have expired under
16 24 subsection 1 or, in the case of an offender who has
16 25 been sentenced to a special sentence under section
16 26 903B.1 or 903B.2, commencing from the date the
16 27 offender's registration would have expired under
16 28 subsection 2.

16 29 4. A sex offender shall, upon a second or
16 30 subsequent conviction that requires a second
16 31 registration, or upon conviction of an aggravated
16 32 offense, or who has previously been convicted of one
16 33 or more offenses that would have required registration
16 34 under this chapter, register for life.

16 35 5. A sexually violent predator shall register for
16 36 life.

16 37 6. If a sex offender ceases to maintain a
16 38 residence, employment, or attendance as a student in
16 39 this state, the offender shall no longer be required
16 40 to register, and the offender shall be placed on
16 41 inactive status and relevant information shall not be
16 42 placed on the sex offender registry internet site,
16 43 after the department verifies that the offender has
16 44 complied with the registration requirements in another
16 45 jurisdiction. If the sex offender subsequently
16 46 reestablishes residence, employment, or attendance as
16 47 a student in this state, the registration requirement
16 48 under this chapter shall apply and the department
16 49 shall remove the offender from inactive status and
16 50 place any relevant information and any updated
17 1 relevant information in the possession of the
17 2 department on the sex offender registry internet site.

17 3 Sec. 7. NEW SECTION. 692A.107 TOLLING OF

17 4 REGISTRATION PERIOD.

17 5 1. If a sex offender is incarcerated during a
17 6 period of registration, the running of the period of
17 7 registration is tolled until the offender is released
17 8 from incarceration for that crime.

17 9 2. If a sex offender violates any requirements of
17 10 section 692A.104, 692A.105, 692A.108, 692A.112,
17 11 692A.113, 692A.114, or 692A.115, in addition to any
17 12 criminal penalty prescribed for such violation, the
17 13 period of registration is tolled until the offender
17 14 complies with the registration provisions of this
17 15 chapter.

17 16 Sec. 8. NEW SECTION. 692A.108 VERIFICATION OF
17 17 RELEVANT INFORMATION.

17 18 1. A sex offender shall appear in person in the
17 19 county of principal residence after the offender was
17 20 initially required to register, to verify residence,
17 21 employment, and attendance as a student, to allow the
17 22 sheriff to photograph the offender, and to verify the
17 23 accuracy of other relevant information during the
17 24 following time periods after the initial registration:

17 25 a. For a sex offender classified as a tier I
17 26 offender, every year.

17 27 b. For a sex offender classified as a tier II
17 28 offender, every six months.

17 29 c. For a sex offender classified as a tier III
17 30 offender, every three months.

17 31 2. A sheriff may require a sex offender to appear
17 32 in person more frequently than provided in subsection
17 33 1 to verify relevant information if good cause is
17 34 shown. The circumstances under which more frequent
17 35 appearances are required shall be reasonable,
17 36 documented by the sheriff, and provided to the
17 37 offender and the department in writing. Any
17 38 modification to such requirement shall also be
17 39 provided to the sex offender and the department in
17 40 writing.

17 41 3. a. At least thirty days prior to an appearance
17 42 for the verification of relevant information as
17 43 required by this section, the department shall mail
17 44 notification of the required appearance to each
17 45 reported residence of the sex offender. The
17 46 department shall not be required to mail notification
17 47 to any sex offender if the residence described or
17 48 listed in the sex offender's relevant information is
17 49 insufficient for the delivery of mail.

17 50 b. The notice shall state that the sex offender
18 1 shall appear in person in the county of principal
18 2 residence on or before a date specified in the notice
18 3 to verify and update relevant information. The notice
18 4 shall not be forwarded to another address and shall be
18 5 returned to the department if the sex offender no
18 6 longer resides at the address.

18 7 4. A photograph of the sex offender shall be
18 8 updated, at a minimum, annually. The sheriff shall
18 9 send the updated photograph to the department using
18 10 procedures established by the department by rule
18 11 within five business days of the photograph being
18 12 taken and the department shall post the updated
18 13 photograph on the sex offender registry's internet
18 14 site. The sheriff may require the sex offender to
18 15 submit to being photographed, fingerprinted, or palm
18 16 printed, more than once per year during any required
18 17 appearance to verify relevant information.

18 18 5. The sheriff may make a reasonable modification
18 19 to the date requiring a sex offender to make an
18 20 appearance based on exigent circumstances including
18 21 man-made or natural disasters. The sheriff shall
18 22 notify the department of any modification using
18 23 procedures established by department by rule.

18 24 6. A waiver of the next immediate in-person
18 25 verification pursuant to this section may be granted
18 26 at the discretion of the sheriff, if the sex offender
18 27 appears in person at the sheriff's office because of
18 28 changes to relevant information pursuant to section
18 29 692A.104 or 692A.105, and if the in-person
18 30 verification pursuant to this section is within thirty
18 31 days of such in-person appearance. If a waiver is
18 32 granted, the sheriff shall notify the department of
18 33 granting the waiver.

18 34 Sec. 9. NEW SECTION. 692A.109 DUTY TO FACILITATE

18 35 REGISTRATION.

18 36 1. When a sex offender is released from
18 37 incarceration from a jail, prison, juvenile facility,
18 38 or other correctional institution or facility, or when
18 39 the offender is convicted but not incarcerated, the
18 40 sheriff, warden, or superintendent of a facility or,
18 41 in the case of release from foster care or residential
18 42 treatment or conviction without incarceration, the
18 43 court shall do the following prior to release or
18 44 sentencing of the convicted offender:

18 45 a. Obtain all relevant information from the sex
18 46 offender. Additional information for a sex offender
18 47 required to register as a sexually violent predator
18 48 shall include but not be limited to other identifying
18 49 factors, anticipated future places of residence,
18 50 offense history, and documentation of any treatment
19 1 received by the person for a mental abnormality or
19 2 personality disorder.

19 3 b. Inform the sex offender of the duty to register
19 4 under this chapter and SORNA and ensure registration
19 5 forms are completed and signed.

19 6 c. Inform the sex offender that, within five
19 7 business days of changing a residence, employment,
19 8 attendance as a student, an appearance is required
19 9 before the sheriff in the county where the change
19 10 occurred.

19 11 d. Inform the sex offender that, within five
19 12 business days of a change in relevant information
19 13 other than a change of residence, employment, or
19 14 attendance as a student, the sex offender shall
19 15 notify, in a manner prescribed by rule, the sheriff of
19 16 the county of principal residence of the change.

19 17 e. Inform the sex offender that if the offender
19 18 establishes residence in another jurisdiction, or
19 19 becomes employed, or becomes a student in another
19 20 jurisdiction, the offender must report the offender's
19 21 new residence, employment, or attendance as a student,
19 22 to the sheriff's office in the county of the
19 23 offender's principal residence within five business
19 24 days, and that, if the other jurisdiction has a
19 25 registration requirement, the offender shall also be
19 26 required to register in such jurisdiction.

19 27 f. Require the sex offender to read and sign a
19 28 form stating that the duty of the offender to register
19 29 under this chapter has been explained and the offender
19 30 understands the registration requirement. If the sex
19 31 offender cannot read, is unable to write, or refuses
19 32 to cooperate, the duty and the form shall be explained
19 33 orally and a written record shall be maintained by the
19 34 sheriff, warden, superintendent of a facility, or
19 35 court explaining the duty and the form.

19 36 g. Inform the sex offender who was convicted of a
19 37 sex offense against a minor of the prohibitions
19 38 established under section 692A.113 by providing the
19 39 offender with a written copy of section 692A.113 and
19 40 relevant definitions of section 692A.101.

19 41 h. Inform the sex offender who was convicted of an
19 42 aggravated offense against a minor of the prohibitions
19 43 established under section 692A.114 by providing the
19 44 offender with a written copy of section 692A.114 and
19 45 relevant definitions of section 692A.101.

19 46 i. Inform the sex offender that the offender must
19 47 submit to being photographed by the sheriff of any
19 48 county in which the offender is required to register
19 49 upon initial registration and during any appearance to
19 50 verify relevant information required under this
20 1 chapter.

20 2 j. Inform the sex offender that any violation of
20 3 this chapter may result in state or federal
20 4 prosecution.

20 5 2. a. When a sex offender is released from
20 6 incarceration from a jail, prison, juvenile facility,
20 7 or other correctional institution or facility, or when
20 8 the offender is convicted but not incarcerated, the
20 9 sheriff, warden, superintendent of a facility, or
20 10 court shall verify that the person has completed
20 11 initial or subsequent registration forms, and accept
20 12 the forms on behalf of the sheriff of the county of
20 13 registration. The sheriff, warden, superintendent of
20 14 a facility, or the court shall send the initial or
20 15 subsequent registration information to the department

20 16 within five business days of completion of the
20 17 registration. Probation, parole, work release, or any
20 18 other form of release after conviction shall not be
20 19 granted unless the offender has registered as required
20 20 under this chapter.

20 21 b. If the sex offender refuses to register, the
20 22 sheriff, warden, superintendent of a facility, or
20 23 court shall notify within five business days the
20 24 county attorney in the county in which the offender
20 25 was convicted or, if the offender no longer resides in
20 26 that county, in the county in which the offender
20 27 resides of the refusal to register. The county
20 28 attorney shall bring a contempt of court action
20 29 against the sex offender in the county in which the
20 30 offender was convicted or, if the offender no longer
20 31 resides in that county, in the county in which the
20 32 offender resides. A sex offender who refuses to
20 33 register shall be held in contempt and may be
20 34 incarcerated pursuant to the provisions of chapter 665
20 35 following the entry of judgment by the court on the
20 36 contempt action until the offender complies with the
20 37 registration requirements.

20 38 3. The sheriff, warden, or superintendent of a
20 39 facility, or if the sex offender is placed on
20 40 probation, the court shall forward one copy of the
20 41 registration information to the department and to the
20 42 sheriff of the county in which the principal residence
20 43 is established within five business days after
20 44 completion of the registration.

20 45 4. The court may order an appropriate law
20 46 enforcement agency or the county attorney to assist
20 47 the court in performing the requirements of subsection
20 48 1 or 2.

20 49 Sec. 10. NEW SECTION. 692A.110 REGISTRATION FEES
20 50 AND CIVIL PENALTY FOR OFFENDERS.

21 1 1. A sex offender shall pay an annual fee in the
21 2 amount of twenty-five dollars to the sheriff of the
21 3 county of principal residence, beginning with the
21 4 first required in-person appearance at the sheriff's
21 5 office after the effective date of this Act. If the
21 6 sex offender has more than one principal residence in
21 7 this state, the offender shall pay the annual fee in
21 8 the county where the offender is first required to
21 9 appear in person after the effective date of this Act.
21 10 The sheriff shall accept the registration. If, at the
21 11 time of registration, the sex offender is unable to
21 12 pay the fee, the sheriff may allow the offender time
21 13 to pay the fee, permit the payment of the fee in
21 14 installments, or may waive payment of the fee. Fees
21 15 paid to the sheriff shall be used to defray the costs
21 16 of duties related to the registration of sex offenders
21 17 under this chapter.

21 18 2. In addition to any other penalty, at the time
21 19 of conviction for a public offense committed on or
21 20 after July 1, 1995, which requires a sex offender to
21 21 register under this chapter, the offender shall be
21 22 assessed a civil penalty of two hundred dollars, to be
21 23 payable to the clerk of the district court as provided
21 24 in section 602.8105 and distributed as provided in
21 25 section 602.8108. With respect to a conviction for a
21 26 public offense committed on or after July 1, 2009,
21 27 which requires a sex offender to register under this
21 28 chapter, the offender shall be assessed a civil
21 29 penalty of two hundred fifty dollars, payable to the
21 30 clerk of the district court as provided in section
21 31 602.8105 and distributed as provided in section
21 32 602.8108.

21 33 3. The fee and penalty required by this section
21 34 shall not be assessed against a person who has been
21 35 acquitted by reason of insanity of the offense which
21 36 requires registration under this chapter.

21 37 Sec. 11. NEW SECTION. 692A.111 FAILURE TO COMPLY
21 38 == PENALTY.

21 39 1. A sex offender who violates any requirements of
21 40 section 692A.104, 692A.105, 692A.108, 692A.112,
21 41 692A.113, 692A.114, or 692A.115 commits an aggravated
21 42 misdemeanor for a first offense and a class "D" felony
21 43 for a second or subsequent offense. However, a sex
21 44 offender convicted of an aggravated offense against a
21 45 minor, a sex offense against a minor, or a sexually
21 46 violent offense committed while in violation of any of

21 47 the requirements specified in section 692A.104,
21 48 692A.105, 692A.108, 692A.112, 692A.113, 692A.114, or
21 49 692A.115 is guilty of a class "C" felony, in addition
21 50 to any other penalty provided by law. Any fine
22 1 imposed for a second or subsequent violation shall not
22 2 be suspended. Notwithstanding section 907.3, the
22 3 court shall not defer judgment or sentence for any
22 4 violation of any requirements specified in this
22 5 chapter. For purposes of this subsection, a violation
22 6 occurs when a sex offender knows or reasonably should
22 7 know of the duty to fulfill a requirement specified in
22 8 this chapter as referenced in the offense charged.

22 9 2. Violations in any other jurisdiction under sex
22 10 offender registry provisions that are substantially
22 11 similar to those contained in this section shall be
22 12 counted as previous offenses. The court shall
22 13 judicially notice the statutes of other states which
22 14 are substantially similar to this section.

22 15 3. A sex offender who violates any provision of
22 16 this chapter may be prosecuted in any county where
22 17 registration is required by the provisions of this
22 18 chapter.

22 19 Sec. 12. NEW SECTION. 692A.112 KNOWINGLY
22 20 PROVIDING FALSE INFORMATION == PENALTY.

22 21 A sex offender shall not knowingly provide false
22 22 information upon registration, change of relevant
22 23 information, or during an appearance to verify
22 24 relevant information.

22 25 Sec. 13. NEW SECTION. 692A.113 EXCLUSION ZONES
22 26 AND PROHIBITION OF CERTAIN EMPLOYMENT=RELATED
22 27 ACTIVITIES.

22 28 1. A sex offender who has been convicted of a sex
22 29 offense against a minor shall not do any of the
22 30 following:

22 31 a. Be present upon the real property of a public
22 32 or nonpublic elementary or secondary school without
22 33 the written permission of the school administrator or
22 34 school administrator's designee, unless enrolled as a
22 35 student at the school.

22 36 b. Loiter within three hundred feet of the real
22 37 property boundary of a public or nonpublic elementary
22 38 or secondary school, unless enrolled as a student at
22 39 the school.

22 40 c. Be present on or in any vehicle or other
22 41 conveyance owned, leased, or contracted by a public or
22 42 nonpublic elementary or secondary school without the
22 43 written permission of the school administrator or
22 44 school administrator's designee when the vehicle is in
22 45 use to transport students to or from a school or
22 46 school-related activities, unless enrolled as a
22 47 student at the school or unless the vehicle is
22 48 simultaneously made available to the public as a form
22 49 of public transportation.

22 50 d. Be present upon the real property of a child
23 1 care facility without the written permission of the
23 2 child care facility administrator.

23 3 e. Loiter within three hundred feet of the real
23 4 property boundary of a child care facility.

23 5 f. Be present upon the real property of a public
23 6 library without the written permission of the library
23 7 administrator.

23 8 g. Loiter within three hundred feet of the real
23 9 property boundary of a public library.

23 10 h. Loiter on or within three hundred feet of the
23 11 premises of any place intended primarily for the use
23 12 of minors including but not limited to a playground
23 13 available to the public, a children's play area
23 14 available to the public, recreational or sport-related
23 15 activity area when in use by a minor, a swimming or
23 16 wading pool available to the public when in use by a
23 17 minor, or a beach available to the public when in use
23 18 by a minor.

23 19 2. A sex offender who has been convicted of a sex
23 20 offense against a minor:

23 21 a. Who resides in a dwelling located within three
23 22 hundred feet of the real property boundary of public
23 23 or nonpublic elementary or secondary school, child
23 24 care facility, public library, or place intended
23 25 primarily for the use of minors as specified in
23 26 subsection 1, paragraph "h", shall not be in violation
23 27 of subsection 1 for having an established residence

23 28 within the exclusion zone.
23 29 b. Who is the parent or legal guardian of a minor
23 30 shall not be in violation of subsection 1 solely
23 31 during the period of time reasonably necessary to
23 32 transport the offender's own minor child or ward to or
23 33 from a place specified in subsection 1.
23 34 c. Who is legally entitled to vote shall not be in
23 35 violation of subsection 1 solely for the period of
23 36 time reasonably necessary to exercise the right to
23 37 vote in a public election if the polling location of
23 38 the offender is located in a place specified in
23 39 subsection 1.
23 40 3. A sex offender who has been convicted of a sex
23 41 offense against a minor shall not do any of the
23 42 following:
23 43 a. Operate, manage, be employed by, or act as a
23 44 contractor or volunteer at any municipal, county, or
23 45 state fair or carnival when a minor is present on the
23 46 premises.
23 47 b. Operate, manage, be employed by, or act as a
23 48 contractor or volunteer on the premises of any
23 49 children's arcade, an amusement center having coin or
23 50 token operated devices for entertainment, or
24 1 facilities providing programs or facilities intended
24 2 primarily for minors, when a minor is present.
24 3 c. Operate, manage, be employed by, or act as a
24 4 contractor or volunteer at a public or nonpublic
24 5 elementary or secondary school, child care facility,
24 6 or public library.
24 7 d. Operate, manage, be employed by, or act as a
24 8 contractor or volunteer at any place intended
24 9 primarily for use by minors including but not limited
24 10 to a playground, a children's play area, recreational
24 11 or sport-related activity area, a swimming or wading
24 12 pool, or a beach.
24 13 Sec. 14. NEW SECTION. 692A.114 RESIDENCY
24 14 RESTRICTIONS == PRESENCE == CHILD CARE FACILITIES AND
24 15 SCHOOLS.
24 16 1. As used in this section:
24 17 a. "Minor" means a person who is under eighteen
24 18 years of age or who is enrolled in a secondary school.
24 19 b. "School" means a public or nonpublic elementary
24 20 or secondary school.
24 21 c. "Sex offender" means a person required to be
24 22 registered under this chapter who has been convicted
24 23 of an aggravated offense against a minor.
24 24 2. A sex offender shall not reside within two
24 25 thousand feet of the real property comprising a school
24 26 or a child care facility.
24 27 3. A sex offender residing within two thousand
24 28 feet of the real property comprising a school or a
24 29 child care facility does not commit a violation of
24 30 this section if any of the following apply:
24 31 a. The sex offender is required to serve a
24 32 sentence at a jail, prison, juvenile facility, or
24 33 other correctional institution or facility.
24 34 b. The sex offender is subject to an order of
24 35 commitment under chapter 229A.
24 36 c. The sex offender has established a residence
24 37 prior to July 1, 2002.
24 38 d. The sex offender has established a residence
24 39 prior to any newly located school or child care
24 40 facility being established.
24 41 e. The sex offender is a minor.
24 42 f. The sex offender is a ward in a guardianship,
24 43 and a district judge or associate probate judge grants
24 44 an exemption from the residency restriction.
24 45 g. The sex offender is a patient or resident at a
24 46 health care facility as defined in section 135C.1 or a
24 47 patient in a hospice program, and a district judge or
24 48 associate probate judge grants an exemption from the
24 49 residency restriction.
24 50 Sec. 15. NEW SECTION. 692A.115 EMPLOYMENT WHERE
25 1 DEPENDENT ADULTS RESIDE.
25 2 A sex offender shall not be an employee of a
25 3 facility providing services for dependent adults or at
25 4 events where dependent adults participate in
25 5 programming and shall not loiter on the premises or
25 6 grounds of a facility or at an event providing such
25 7 services or programming.
25 8 Sec. 16. NEW SECTION. 692A.116 DETERMINATION OF

25 9 REQUIREMENT TO REGISTER.

25 10 1. An offender may request that the department
25 11 determine whether the offense for which the offender
25 12 has been convicted requires the offender to register
25 13 under this chapter or whether the period of time
25 14 during which the offender is required to register
25 15 under this chapter has expired.

25 16 2. Application for determination shall be filed
25 17 with the department and shall be made on forms
25 18 provided by the department and accompanied by copies
25 19 of sentencing or adjudicatory orders with respect to
25 20 each offense for which the offender asks that a
25 21 determination be made.

25 22 3. The department, after filing of the request and
25 23 after all documentation or information requested by
25 24 the department is received, shall have ninety days
25 25 from the filing of the request, to determine whether
25 26 the offender is required to register under this
25 27 chapter.

25 28 Sec. 17. NEW SECTION. 692A.117 REGISTRATION
25 29 FORMS AND ELECTRONIC REGISTRATION SYSTEM.

25 30 1. Registration forms and an electronic
25 31 registration system shall be made available by the
25 32 department.

25 33 2. Copies of blank forms shall be available upon
25 34 request to any registering agency.

25 35 Sec. 18. NEW SECTION. 692A.118 DEPARTMENT DUTIES
25 36 == REGISTRY.

25 37 The department shall perform all of the following
25 38 duties:

25 39 1. Develop an electronic system and standard forms
25 40 for use in the registration of, verifying addresses
25 41 of, and verifying understanding of registration
25 42 requirements by sex offenders. Forms used to verify
25 43 addresses of sex offenders shall contain a warning
25 44 against forwarding a form to another address and of
25 45 the requirement to return the form if the offender to
25 46 whom the form is directed no longer resides at the
25 47 address listed on the form or the mailing.

25 48 2. Maintain a central registry of information
25 49 collected from sex offenders, which shall be known as
25 50 the sex offender registry.

26 1 3. In consultation with the attorney general,
26 2 adopt rules under chapter 17A which list specific
26 3 offenses under present and former law which constitute
26 4 sex offenses or sex offenses against a minor under
26 5 this chapter.

26 6 4. Adopt rules under chapter 17A, as necessary, to
26 7 ensure compliance with registration and verification
26 8 requirements of this chapter, to provide guidelines
26 9 for persons required to assist in obtaining registry
26 10 information, and to provide a procedure for the
26 11 dissemination of information contained in the
26 12 registry. The procedure for the dissemination of
26 13 information shall include but not be limited to
26 14 practical guidelines for use by criminal or juvenile
26 15 justice agencies in determining when public release of
26 16 relevant information contained in the registry is
26 17 appropriate and a requirement that if a member of the
26 18 general public requests information regarding a
26 19 specific individual in the manner provided in section
26 20 692A.121, the relevant information shall be released.
26 21 The department, in developing the procedure, shall
26 22 consult with associations which represent the
26 23 interests of law enforcement officers. Rules adopted
26 24 shall also include a procedure for removal of
26 25 information from the registry upon the reversal or
26 26 setting aside of a conviction of an offender.

26 27 5. Submit sex offender registry data to the
26 28 federal bureau of investigation for entry of the data
26 29 into the national sex offender registry.

26 30 6. Perform the requirements under this chapter and
26 31 under federal law in cooperation with the office of
26 32 sex offender sentencing, monitoring, apprehending,
26 33 registering, and tracking of the office of justice
26 34 programs of the United States department of justice.

26 35 7. Enter and maintain fingerprints and palm prints
26 36 of sex offenders in an automated fingerprint
26 37 identification system maintained by the department and
26 38 made accessible to law enforcement agencies in this
26 39 state, of the federal government, or in another

26 40 jurisdiction. The department or any law enforcement
26 41 agency may use such prints for criminal investigative
26 42 purposes, to include comparison against finger and
26 43 palm prints identified or recovered as evidence in a
26 44 criminal investigation.

26 45 8. Notify a jurisdiction that provided information
26 46 that a sex offender has or intends to maintain a
26 47 residence, employment, or attendance as a student, in
26 48 this state, of the failure of the sex offender to
26 49 register as required under this chapter.

26 50 9. Submit a DNA sample to the combined DNA index
27 1 system, if a sample has not been submitted.

27 2 10. Submit the social security number to the
27 3 national crime information center, if the number has
27 4 not been submitted.

27 5 11. When the department has a reasonable basis to
27 6 believe that a sex offender has changed residence to
27 7 an unknown location, has become a fugitive from
27 8 justice, or who has otherwise taken flight, the
27 9 department shall make a reasonable effort to ascertain
27 10 the whereabouts of the offender, and if such effort
27 11 fails to identify the location of the offender, an
27 12 appropriate notice shall be made on the sex offender
27 13 registry internet site of this state and shall be
27 14 transmitted to the national sex offender registry.
27 15 The department shall notify other law enforcement
27 16 agencies as deemed appropriate.

27 17 12. The department shall notify appropriate law
27 18 enforcement agencies including the United States
27 19 marshal service to investigate and verify possible
27 20 violations. The department shall ensure any warrants
27 21 for arrest are entered into the Iowa online warrant
27 22 and articles system and the national crime information
27 23 center and pursue prosecution of stated violations
27 24 through state or federal court.

27 25 Sec. 19. NEW SECTION. 692A.119 SEX OFFENDER
27 26 REGISTRY FUND.

27 27 A sex offender registry fund is established as a
27 28 separate fund within the state treasury under the
27 29 control of the department. The fund shall consist of
27 30 moneys received as a result of the imposition of the
27 31 penalty imposed under section 692A.110 and other funds
27 32 allocated for purposes of establishing and maintaining
27 33 the sex offender registry, conducting research and
27 34 analysis related to sex crimes and offenders, and to
27 35 perform other duties required under this chapter.
27 36 Notwithstanding section 8.33, unencumbered or
27 37 unobligated moneys and any interest remaining in the
27 38 fund on June 30 of any fiscal year shall not revert to
27 39 the general fund of the state, but shall remain
27 40 available for expenditure in subsequent fiscal years.

27 41 Sec. 20. NEW SECTION. 692A.120 DUTIES OF THE
27 42 SHERIFF.

27 43 The sheriff of each county shall comply with the
27 44 requirements of this chapter and rules adopted by the
27 45 department pursuant to this chapter. The sheriff of
27 46 each county shall provide information and notices as
27 47 provided in section 282.9.

27 48 Sec. 21. NEW SECTION. 692A.121 AVAILABILITY OF
27 49 RECORDS.

27 50 1. The department shall maintain an internet site
28 1 for the public and others to access relevant
28 2 information about sex offenders. The internet site,
28 3 at a minimum, shall be searchable by name, county,
28 4 city, zip code, and geographic radius.

28 5 2. The department shall provide updated or
28 6 corrected relevant information within five business
28 7 days of the information being updated or corrected,
28 8 from the sex offender registry to the following:

28 9 a. A criminal or juvenile justice agency, an
28 10 agency of the state, a sex offender registry of
28 11 another jurisdiction, or the federal government.

28 12 b. The general public through the sex offender
28 13 registry internet site.

28 14 (1) The following relevant information about a sex
28 15 offender shall be disclosed on the internet site:

28 16 (a) The date of birth.

28 17 (b) The name, nickname, aliases, including ethnic
28 18 or tribal names.

28 19 (c) Photographs.

28 20 (d) The physical description, including scars,

28 21 marks, or tattoos.
28 22 (e) The residence.
28 23 (f) The statutory citation and text of the offense
28 24 committed that requires registration under this
28 25 chapter.
28 26 (g) A specific reference indicting whether a
28 27 particular sex offender is subject to residency
28 28 restrictions pursuant to section 692A.114.
28 29 (h) A specific reference indicating whether a
28 30 particular sex offender is subject to exclusion zone
28 31 restrictions pursuant to section 692A.113.
28 32 (2) The following relevant information shall not
28 33 be disclosed on the internet site:
28 34 (a) The relevant information about a sex offender
28 35 who was under twenty years of age at the time the
28 36 offender committed a violation of section 709.4,
28 37 subsection 2, paragraph "c", subparagraph (4).
28 38 (b) The employer name, address, or location where
28 39 a sex offender acts as an employee in any form of
28 40 employment.
28 41 (c) The address and name of any school where a
28 42 student required to be on the registry attends.
28 43 (d) The real name of a sex offender protected
28 44 under 18 U.S.C } 3521.
28 45 (e) The statutory citation and text of the offense
28 46 committed for an incest conviction in violation of
28 47 section 726.2, however, the citation and text of an
28 48 incest conviction shall be disclosed on the internet
28 49 site as a conviction of section 709.4 or 709.8.
28 50 (f) Any other relevant information not described
29 1 in subparagraph (1).
29 2 c. The general public through any other means, at
29 3 the discretion of the department, any relevant
29 4 information that is available on the internet site.
29 5 3. A criminal or juvenile justice agency may
29 6 provide relevant information from the sex offender
29 7 registry to the following:
29 8 a. A criminal or juvenile justice agency, an
29 9 agency of the state, or a sex offender registry of
29 10 another jurisdiction, or the federal government.
29 11 b. The general public, any information available
29 12 to the general public in subsection 2, including
29 13 public and private agencies, organizations, public
29 14 places, child care facilities, religious and youth
29 15 organizations, neighbors, neighborhood associations,
29 16 community meetings, and employers. The relevant
29 17 information available to the general public may be
29 18 distributed to the public through printed materials,
29 19 visual or audio press releases, radio communications,
29 20 or through a criminal or juvenile justice agency's
29 21 internet site.
29 22 4. When a sex offender moves into a school
29 23 district or moves within a school district, the county
29 24 sheriff of the county of the offender's new residence
29 25 shall provide relevant information that is available
29 26 to the general public in subsection 2 to the
29 27 administrative office of the school district in which
29 28 the person required to register resides, and shall
29 29 also provide relevant information to any nonpublic
29 30 school near the offender's residence.
29 31 5. a. A member of the public may contact a county
29 32 sheriff's office to request relevant information from
29 33 the registry regarding a specific sex offender. A
29 34 person making a request for relevant information may
29 35 make the request by telephone, in writing, or in
29 36 person, and the request shall include the name of the
29 37 person and at least one of the following identifiers
29 38 pertaining to the sex offender about whom the
29 39 information is sought:
29 40 (1) The date of birth of the person.
29 41 (2) The social security number of the person.
29 42 (3) The address of the person.
29 43 (4) Internet identifiers.
29 44 (5) Telephone numbers, including any landline or
29 45 wireless numbers.
29 46 b. The relevant information made available to the
29 47 general public pursuant to this subsection shall
29 48 include all the relevant information provided to the
29 49 general public on the internet site pursuant to
29 50 subsection 2, and the following additional relevant
30 1 information:

30 2 (1) Educational institutions attended as a
30 3 student, including the name and address of such
30 4 institution.
30 5 (2) Employment information including the name and
30 6 address of employer.
30 7 (3) Temporary lodging information, including the
30 8 dates when residing at the temporary lodging.
30 9 (4) Vehicle information.
30 10 c. A county sheriff or police department shall not
30 11 charge a fee relating to a request for relevant
30 12 information.
30 13 6. A county sheriff shall also provide to a person
30 14 upon request access to a list of all registrants in
30 15 that county.
30 16 7. The following relevant information shall not be
30 17 provided to the general public:
30 18 a. The identity of the victim.
30 19 b. Arrests not resulting in a conviction.
30 20 c. Passport and immigration documents.
30 21 d. A government issued driver's license or
30 22 identification card.
30 23 e. DNA information.
30 24 f. Fingerprints.
30 25 g. Palm prints.
30 26 h. Professional licensing information.
30 27 i. Social security number.
30 28 j. Real name protected under 18 U.S.C } 3521.
30 29 8. Notwithstanding sections 232.147 through
30 30 232.151, records concerning convictions which are
30 31 committed by a minor may be released in the same
30 32 manner as records of convictions of adults.
30 33 9. A person may contact the department or a county
30 34 sheriff's office to verify if a particular internet
30 35 identifier or telephone number is one that has been
30 36 included in a registration by a sex offender.
30 37 10. The department shall include links to sex
30 38 offender safety information, educational resources
30 39 pertaining to the prevention of sexual assaults, and
30 40 the national sex offender registry.
30 41 11. The department shall include on the sex
30 42 offender registry internet site instructions and any
30 43 applicable forms necessary for a person seeking
30 44 correction of information that the person contends is
30 45 erroneous.
30 46 12. When the department receives and approves
30 47 registration data, such data shall be made available
30 48 on the sex offender registry internet site within five
30 49 business days.
30 50 13. The department shall maintain an automated
31 1 electronic mail notification system, which shall be
31 2 available by free subscription to any person, to
31 3 provide notice of addition, deletion, or changes to
31 4 any sex offender registration, relevant information
31 5 within a postal zip code or, if selected by a
31 6 subscriber, a geographic radius or, if selected by a
31 7 subscriber, specific to a sex offender.
31 8 14. Sex offender registry records are confidential
31 9 records not subject to examination and copying by a
31 10 member of the public and shall only be released as
31 11 provided in this section.
31 12 Sec. 22. NEW SECTION. 692A.122 COOPERATION WITH
31 13 REGISTRATION.
31 14 An agency of state and local government that
31 15 possesses information relevant to requirements that an
31 16 offender register under this chapter shall provide
31 17 that information to the court or the department upon
31 18 request. All confidential records provided under this
31 19 section shall remain confidential, unless otherwise
31 20 ordered by a court, by the lawful custodian of the
31 21 records, or by another person duly authorized to
31 22 release such information.
31 23 Sec. 23. NEW SECTION. 692A.123 IMMUNITY FOR GOOD
31 24 FAITH CONDUCT.
31 25 Criminal or juvenile justice agencies and employees
31 26 of criminal or juvenile justice agencies and state
31 27 agencies and their employees shall be immune from
31 28 liability for acts or omissions arising from a good
31 29 faith effort to comply with this chapter.
31 30 Sec. 24. NEW SECTION. 692A.124 ELECTRONIC
31 31 MONITORING.
31 32 1. A sex offender who is placed on probation,

31 33 parole, work release, special sentence, or any other
31 34 type of conditional release, may be supervised by an
31 35 electronic tracking and monitoring system in addition
31 36 to any other conditions of supervision.

31 37 2. The determination to use electronic tracking
31 38 and monitoring to supervise a sex offender shall be
31 39 based upon a validated risk assessment approved by the
31 40 department of corrections, and also upon the sex
31 41 offender's criminal history, progress in treatment and
31 42 supervision, and other relevant factors.

31 43 3. If a sex offender is under the jurisdiction of
31 44 the juvenile court, the determination to use
31 45 electronic tracking and monitoring to supervise the
31 46 sex offender shall be based upon a risk assessment
31 47 performed by a juvenile court officer.

31 48 Sec. 25. NEW SECTION. 692A.125 APPLICABILITY OF
31 49 CHAPTER AND RETROACTIVITY.

31 50 1. The registration requirements of this chapter
32 1 shall apply to sex offenders convicted on or after the
32 2 effective date of this Act of a sex offense classified
32 3 under section 692A.102.

32 4 2. The registration requirements of this chapter
32 5 shall apply to a sex offender convicted of a sex
32 6 offense or a comparable offense under prior law prior
32 7 to the effective date of this Act under the following
32 8 circumstances:

32 9 a. Any sex offender including a juvenile offender
32 10 who is required to be on the sex offender registry as
32 11 of June 30, 2009.

32 12 b. Any sex offender who is incarcerated on or
32 13 after the effective date of this Act, for conviction
32 14 of a sex offense committed prior to the effective date
32 15 of this Act.

32 16 c. Any sex offender who is serving a special
32 17 sentence pursuant to section 903B.1 or 903B.2 prior to
32 18 the effective date of this Act.

32 19 3. For a sex offender required to register
32 20 pursuant to subsection 1 or 2, each conviction or
32 21 adjudication for a sex offense requiring registration,
32 22 regardless of whether such conviction or adjudication
32 23 occurred prior to, on, or after the effective date of
32 24 this Act, shall be included in determining the tier
32 25 requirements pursuant to this chapter.

32 26 4. An offender on the sex offender registry as of
32 27 June 30, 2009, and who is required to be on the
32 28 registry on or after July 1, 2009, shall be credited
32 29 for any time on the registry prior to July 1, 2009.

32 30 Sec. 26. NEW SECTION. 692A.126 SEXUALLY
32 31 MOTIVATED OFFENSE == DETERMINATION.

32 32 1. If a judge or jury makes a determination,
32 33 beyond a reasonable doubt, that any of the following
32 34 offenses for which a conviction has been entered are
32 35 sexually motivated, the person shall be required to
32 36 register as provided in this chapter:

32 37 a. Murder in the first degree in violation of
32 38 section 707.2.

32 39 b. Murder in the second degree in violation of
32 40 section 707.3.

32 41 c. Voluntary manslaughter in violation of section
32 42 707.4.

32 43 d. Involuntary manslaughter in violation of
32 44 section 707.5.

32 45 e. Attempt to commit murder in violation of
32 46 section 707.11.

32 47 f. Harassment in violation of section 708.7,
32 48 subsection 1, 2, or 3.

32 49 g. Stalking in violation of section 708.11,
32 50 subsection 3, paragraph "b", subparagraph (3).

33 1 h. Kidnapping in the first degree in violation of
33 2 section 710.2.

33 3 i. Kidnapping in the second degree in violation of
33 4 section 710.3.

33 5 j. Kidnapping in the third degree in violation of
33 6 section 710.4.

33 7 k. Child stealing in violation of section 710.5.

33 8 l. Purchase or sale or attempted purchase or sale
33 9 of an individual in violation of section 710.11.

33 10 m. Burglary in the first degree in violation of
33 11 section 713.3, subsection 1, paragraph "a", "b", or
33 12 "c".

33 13 n. Attempted burglary in the first degree in

33 14 violation of section 713.4.
33 15 o. Burglary in the second degree in violation of
33 16 section 713.5.
33 17 p. Attempted burglary in the second degree in
33 18 violation of section 713.6.
33 19 q. Burglary in the third degree in violation of
33 20 section 713.6A.
33 21 r. Attempted burglary in the third degree in
33 22 violation of section 713.6B.
33 23 2. If a person is convicted of an offense in
33 24 another jurisdiction, or of an offense that was
33 25 prosecuted in a federal, military, or foreign court,
33 26 that is comparable to an offense specified in
33 27 subsection 1, the person shall be required to register
33 28 as provided in this chapter if the department makes a
33 29 determination that the offense was sexually motivated.
33 30 3. If a juvenile is convicted of an offense in
33 31 another jurisdiction, or of an offense as a juvenile
33 32 in a similar juvenile court proceeding in a federal,
33 33 military, or foreign court, that is comparable to an
33 34 offense specified in subsection 1, the person shall be
33 35 required to register as provided in this chapter if
33 36 the department makes a determination that the offense
33 37 was sexually motivated.
33 38 Sec. 27. NEW SECTION. 692A.127 LIMITATIONS ON
33 39 POLITICAL SUBDIVISIONS.
33 40 A political subdivision of the state shall not
33 41 adopt any motion, resolution, or ordinance regulating
33 42 the residency location of a sex offender or any
33 43 motion, resolution, or ordinance regulating the
33 44 exclusion of a sex offender from certain real
33 45 property. A motion, resolution, or ordinance adopted
33 46 by a political subdivision of the state in violation
33 47 of this section is void and unenforceable and any
33 48 enforcement activity conducted in violation of this
33 49 section is void.
33 50 Sec. 28. NEW SECTION. 692A.128 MODIFICATION.
34 1 1. A sex offender who is on probation, parole,
34 2 work release, special sentence, or any other type of
34 3 conditional release may file an application in
34 4 district court seeking to modify the registration
34 5 requirements under this chapter.
34 6 2. An application shall not be granted unless all
34 7 of the following apply:
34 8 a. The date of the commencement of the requirement
34 9 to register occurred at least two years prior to the
34 10 filing of the application for a tier I offender and
34 11 five years prior to the filing of the application for
34 12 a tier II or III offender.
34 13 b. The sex offender has successfully completed all
34 14 sex offender treatment programs that have been
34 15 required.
34 16 c. A risk assessment has been completed and the
34 17 sex offender was classified as a low risk to reoffend.
34 18 The risk assessment used to assess an offender as a
34 19 low risk to reoffend shall be a validated risk
34 20 assessment approved by the department of corrections.
34 21 d. The sex offender is not incarcerated when the
34 22 application is filed.
34 23 e. The director of the judicial district
34 24 department of correctional services supervising the
34 25 sex offender, or the director's designee, stipulates
34 26 to the modification, and a certified copy of the
34 27 stipulation is attached to the application.
34 28 3. The application shall be filed in the sex
34 29 offender's county of principal residence.
34 30 4. Notice of any application shall be provided to
34 31 the county attorney of the county of the sex
34 32 offender's principal residence, the county attorney of
34 33 any county in this state where a conviction requiring
34 34 the sex offender's registration occurred, and the
34 35 department. The county attorney where the conviction
34 36 occurred shall notify the victim of an application if
34 37 the victim's address is known.
34 38 5. The court may, but is not required to, conduct
34 39 a hearing on the application to hear any evidence
34 40 deemed appropriate by the court. The court may modify
34 41 the registration requirements under this chapter.
34 42 6. A sex offender may be granted a modification if
34 43 the offender is required to be on the sex offender
34 44 registry as a result of an adjudication for a sex

34 45 offense, the offender is not under the supervision of
34 46 the juvenile court or a judicial district judicial
34 47 department of correctional services, and the
34 48 department of corrections agrees to perform a risk
34 49 assessment on the sex offender. However, all other
34 50 provisions of this section not in conflict with this
35 1 subsection shall apply to the application prior to an
35 2 application being granted except that the sex offender
35 3 is not required to obtain a stipulation from the
35 4 director of a judicial district department of
35 5 correctional services, or the director's designee.

35 6 7. If the court modifies the registration
35 7 requirements under this chapter, the court shall send
35 8 a copy of the order to the department, the sheriff of
35 9 the county of the sex offender's principal residence,
35 10 any county attorney notified in subsection 4, and the
35 11 victim, if the victim's address is known.

35 12 Sec. 29. NEW SECTION. 692A.129 PROBATION AND
35 13 PAROLE OFFICERS.

35 14 A probation or parole officer supervising a sex
35 15 offender is not precluded from imposing more
35 16 restrictive exclusion zone requirements, employment
35 17 prohibitions, and residency restrictions than under
35 18 sections 692A.113 and 692A.114.

35 19 Sec. 30. NEW SECTION. 692A.130 RULES.

35 20 The department shall adopt rules pursuant to
35 21 chapter 17A to administer this chapter.

35 22 Sec. 31. Sections 692A.1 through 692A.16, Code
35 23 2009, are repealed.

35 24 DIVISION II

35 25 SEX OFFENDER REGISTRY RELATED CHANGES

35 26 Sec. 32. Section 13.2, subsection 1, paragraph d,
35 27 Code 2009, is amended to read as follows:

35 28 d. Prosecute and defend all actions and
35 29 proceedings brought by or against any employee of a
35 30 judicial district department of correctional services
35 31 in the performance of an assessment of risk ~~pursuant~~
~~35 32 to chapter 692A.~~

35 33 Sec. 33. Section 22.7, subsection 48, Code 2009,
35 34 is amended to read as follows:

35 35 48. Sex offender registry records under chapter
35 36 692A, except as provided in section ~~692A.13~~ 692A.121.

35 37 Sec. 34. Section 232.53, subsections 2 and 3, Code
35 38 2009, are amended to read as follows:

35 39 2. All dispositional orders entered prior to the
35 40 child attaining the age of seventeen years shall
35 41 automatically terminate when the child becomes
35 42 eighteen years of age, except as provided in section
~~35 43 2A.~~ Dispositional orders entered subsequent to the
35 44 child attaining the age of seventeen years and prior
35 45 to the child's eighteenth birthday shall automatically
35 46 terminate one year and six months after the date of
35 47 disposition. In the case of an adult within the
35 48 jurisdiction of the court under the provisions of
35 49 section 232.8, subsection 1, the dispositional order
35 50 shall automatically terminate one year and six months
36 1 after the last date upon which jurisdiction could
36 2 attach.

36 3 3. Notwithstanding section 233A.13, a child
36 4 committed to the training school subsequent to the
36 5 child attaining the age of seventeen years and prior
36 6 to the child's eighteenth birthday may be held at the
36 7 school beyond the child's eighteenth birthday pursuant
36 8 to subsection 2 or 2A, provided that the training
36 9 school makes application to and receives permission
36 10 from the committing court. This extension shall be
36 11 for the purpose of completion by the child of a course
36 12 of instruction established for the child pursuant to
36 13 section 233A.4 and cannot extend for more than one
36 14 year and six months beyond the date of disposition
36 15 unless the duration of the dispositional order was
~~36 16 extended pursuant to section 2A.~~

36 17 Sec. 35. Section 232.52A, Code 2009, is amended by
36 18 adding the following new unnumbered paragraph:

36 19 NEW UNNUMBERED PARAGRAPH. If the duration of a
36 20 dispositional order is extended pursuant to section
36 21 232.53, subsection 2A, the court may continue or
36 22 extend supervision by an electronic tracking and
36 23 monitoring system in addition to any other conditions
36 24 of supervision.

36 25 Sec. 36. Section 232.53, Code 2009, is amended by

36 26 adding the following new subsection:
36 27 NEW SUBSECTION. 2A. A dispositional order entered
36 28 prior to the child attaining the age of seventeen, for
36 29 a child required to register as a sex offender
36 30 pursuant to the provisions of chapter 692A, may be
36 31 extended one year and six months beyond the date the
36 32 child becomes eighteen years of age.
36 33 Sec. 37. Section 232.54, Code 2009, is amended by
36 34 adding the following new subsection:
36 35 NEW SUBSECTION. 8A. With respect to a
36 36 dispositional order requiring a child to register as a
36 37 sex offender pursuant to chapter 692A, the juvenile
36 38 court shall determine whether the child shall remain
36 39 on the sex offender registry prior to termination of
36 40 the dispositional order.
36 41 Sec. 38. Section 232.116, subsection 1, paragraph
36 42 o, Code 2009, is amended to read as follows:
36 43 o. The parent has been convicted of a felony
36 44 offense that is a ~~criminal sex~~ offense against a minor
36 45 as defined in section ~~692A.1~~ 692A.101, the parent is
36 46 divorced from or was never married to the minor's
36 47 other parent, and the parent is serving a minimum
36 48 sentence of confinement of at least five years for
36 49 that offense.
36 50 Sec. 39. Section 272.2, subsection 17, Code 2009,
37 1 is amended to read as follows:
37 2 17. Adopt rules to require that a background
37 3 investigation be conducted by the division of criminal
37 4 investigation of the department of public safety on
37 5 all initial applicants for licensure. The board shall
37 6 also require all initial applicants to submit a
37 7 completed fingerprint packet and shall use the packet
37 8 to facilitate a national criminal history background
37 9 check. The board shall have access to, and shall
37 10 review the sex offender registry information under
37 11 section ~~692A.13~~ 692A.121 available to the general
37 12 public, the central registry for child abuse
37 13 information established under chapter 235A, and the
37 14 dependent adult abuse records maintained under chapter
37 15 235B for information regarding applicants for license
37 16 renewal.
37 17 Sec. 40. Section 279.13, subsection 1, paragraph
37 18 b, subparagraph (1), Code 2009, is amended to read as
37 19 follows:
37 20 (1) Prior to entering into an initial contract
37 21 with a teacher who holds a license other than an
37 22 initial license issued by the board of educational
37 23 examiners under chapter 272, the school district shall
37 24 initiate a state criminal history record check of the
37 25 applicant through the division of criminal
37 26 investigation of the department of public safety,
37 27 submit the applicant's fingerprints to the division
37 28 for submission to the federal bureau of investigation
37 29 for a national criminal history record check, and
37 30 review the sex offender registry information under
37 31 section ~~692A.13~~ 692A.121 available to the general
37 32 public, the central registry for child abuse
37 33 information established under section 235A.14, and the
37 34 central registry for dependent adult abuse information
37 35 established under section 235B.5 for information
37 36 regarding applicants for employment as a teacher.
37 37 Sec. 41. Section 282.9, subsection 2, Code 2009,
37 38 is amended to read as follows:
37 39 2. Notwithstanding section ~~692A.13~~ 692A.121, or
37 40 any other provision of law to the contrary, the county
37 41 sheriff shall provide to the boards of directors of
37 42 the school districts located within the county the
37 43 name of any individual under the age of twenty-one who
37 44 is required to register as a sex offender under
37 45 chapter 692A.
37 46 Sec. 42. Section 598.41A, Code 2009, is amended to
37 47 read as follows:
37 48 598.41A VISITATION == HISTORY OF CRIMES AGAINST A
37 49 MINOR.
37 50 Notwithstanding section 598.41, the court shall
38 1 consider in the award of visitation rights to a parent
38 2 of a child, the criminal history of the parent if the
38 3 parent has been convicted of a ~~criminal offense~~
38 4 ~~against a minor, a sexually violent offense against a~~
38 5 ~~minor, or sexual exploitation of a minor. As used in~~
38 6 ~~this section, "criminal offense against a minor",~~

~~38 7 "sexually violent offense", and "sexual exploitation"~~
~~38 8 mean as defined in section 692A.1 sex offense against~~
~~38 9 a minor as defined in section 692A.101.~~

38 10 Sec. 43. Section 600A.8, subsection 10, Code 2009,
38 11 is amended to read as follows:

38 12 10. The parent has been convicted of a felony
38 13 offense that is a ~~criminal sex~~ offense against a minor
38 14 as defined in section ~~692A.1~~ 692A.101, the parent is
38 15 divorced from or was never married to the minor's
38 16 other parent, and the parent is serving a minimum
38 17 sentence of confinement of at least five years for
38 18 that offense.

38 19 Sec. 44. Section 602.8105, subsection 2, Code
38 20 2009, is amended by adding the following new
38 21 paragraph:

38 22 NEW PARAGRAPH. gg. For applicable convictions
38 23 under section 692A.110 prior to July 1, 2009, a civil
38 24 penalty of two hundred dollars, and for applicable
38 25 convictions under section 692A.110 on or after July 1,
38 26 2009, a civil penalty of two hundred fifty dollars.

38 27 Sec. 45. Section 602.8107, subsection 4, paragraph
38 28 a, Code 2009, is amended to read as follows:

38 29 a. This subsection does not apply to amounts
38 30 collected for victim restitution, the victim
38 31 compensation fund, the criminal penalty surcharge, ~~sex~~
38 32 ~~offender civil penalty,~~ drug abuse resistance
38 33 education surcharge, the law enforcement initiative
38 34 surcharge, county enforcement surcharge, amounts
38 35 collected as a result of procedures initiated under
38 36 subsection 5 or under section 8A.504, or fees charged
38 37 pursuant to section 356.7.

38 38 Sec. 46. Section 602.8108, subsection 2, Code
38 39 2009, is amended to read as follows:

38 40 2. Except as otherwise provided, the clerk of the
38 41 district court shall report and submit to the state
38 42 court administrator, not later than the fifteenth day
38 43 of each month, the fines and fees received during the
38 44 preceding calendar month. Except as provided in
38 45 subsections 3, 4, 5, 7, 8, ~~and 9, and 10,~~ the state
38 46 court administrator shall deposit the amounts received
38 47 with the treasurer of state for deposit in the general
38 48 fund of the state. The state court administrator
38 49 shall report to the legislative services agency within
38 50 thirty days of the beginning of each fiscal quarter
39 1 the amount received during the previous quarter in the
39 2 account established under this section.

39 3 Sec. 47. Section 602.8108, Code 2009, is amended
39 4 by adding the following new subsection:

39 5 NEW SUBSECTION. 10. The clerk of the district
39 6 court shall remit to the treasurer of state, not later
39 7 than the fifteenth day of each month, all moneys
39 8 collected from the sex offender civil penalty provided
39 9 in section 692A.110 during the preceding calendar
39 10 month. Of the amount received from the clerk, the
39 11 treasurer of state shall allocate ten percent to be
39 12 deposited in the court technology and modernization
39 13 fund established in subsection 7. The treasurer of
39 14 state shall deposit the remainder into the sex
39 15 offender registry fund established in section
39 16 692A.119.

39 17 Sec. 48. Section 707.2, Code 2009, is amended by
39 18 adding the following new unnumbered paragraph after
39 19 subsection 6:

39 20 NEW UNNUMBERED PARAGRAPH. For purposes of
39 21 determining whether a person should register as a sex
39 22 offender pursuant to the provisions of chapter 692A,
39 23 the fact finder shall make a determination as provided
39 24 in section 692A.126.

39 25 Sec. 49. Section 707.3, Code 2009, is amended by
39 26 adding the following new unnumbered paragraph after
39 27 unnumbered paragraph 2:

39 28 NEW UNNUMBERED PARAGRAPH. For purposes of
39 29 determining whether a person should register as a sex
39 30 offender pursuant to the provisions of chapter 692A,
39 31 the fact finder shall make a determination as provided
39 32 in section 692A.126.

39 33 Sec. 50. Section 707.4, Code 2009, is amended by
39 34 adding the following new unnumbered paragraph after
39 35 unnumbered paragraph 3:

39 36 NEW UNNUMBERED PARAGRAPH. For purposes of
39 37 determining whether a person should register as a sex

39 38 offender pursuant to the provisions of chapter 692A,
39 39 the fact finder shall make a determination as provided
39 40 in section 692A.126.

39 41 Sec. 51. Section 707.5, Code 2009, is amended by
39 42 adding the following new subsection:

39 43 NEW SUBSECTION. 3. For purposes of determining
39 44 whether a person should register as a sex offender
39 45 pursuant to the provisions of chapter 692A, the fact
39 46 finder shall make a determination as provided in
39 47 section 692A.126.

39 48 Sec. 52. Section 707.11, Code 2009, is amended by
39 49 adding the following new unnumbered paragraph after
39 50 unnumbered paragraph 2:

40 1 NEW UNNUMBERED PARAGRAPH. For purposes of
40 2 determining whether the person should register as a
40 3 sex offender pursuant to the provisions of chapter
40 4 692A, the fact finder shall make a determination as
40 5 provided in section 692A.126.

40 6 Sec. 53. Section 708.7, Code 2009, is amended by
40 7 adding the following new subsection:

40 8 NEW SUBSECTION. 5. For purposes of determining
40 9 whether or not the person should register as a sex
40 10 offender pursuant to the provisions of chapter 692A,
40 11 the fact finder shall make a determination as provided
40 12 in section 692A.126.

40 13 Sec. 54. Section 708.11, Code 2009, is amended by
40 14 adding the following new subsection:

40 15 NEW SUBSECTION. 6. For purposes of determining
40 16 whether or not the person should register as a sex
40 17 offender pursuant to the provisions of chapter 692A,
40 18 the fact finder shall make a determination as provided
40 19 in section 692A.126.

40 20 Sec. 55. Section 710.2, Code 2009, is amended by
40 21 adding the following new unnumbered paragraph after
40 22 unnumbered paragraph 2:

40 23 NEW UNNUMBERED PARAGRAPH. For purposes of
40 24 determining whether the person should register as a
40 25 sex offender pursuant to the provisions of chapter
40 26 692A, the fact finder shall make a determination as
40 27 provided in section 692A.126.

40 28 Sec. 56. Section 710.3, Code 2009, is amended by
40 29 adding the following new unnumbered paragraph:

40 30 NEW UNNUMBERED PARAGRAPH. For purposes of
40 31 determining whether the person should register as a
40 32 sex offender pursuant to the provisions of chapter
40 33 692A, the fact finder shall make a determination as
40 34 provided in section 692A.126.

40 35 Sec. 57. Section 710.4, Code 2009, is amended by
40 36 adding the following new unnumbered paragraph:

40 37 NEW UNNUMBERED PARAGRAPH. For purposes of
40 38 determining whether the person should register as a
40 39 sex offender pursuant to the provisions of chapter
40 40 692A, the fact finder shall make a determination as
40 41 provided in section 692A.126.

40 42 Sec. 58. Section 710.5, Code 2009, is amended by
40 43 adding the following new unnumbered paragraph:

40 44 NEW UNNUMBERED PARAGRAPH. For purposes of
40 45 determining whether the person should register as a
40 46 sex offender pursuant to the provisions of chapter
40 47 692A, the fact finder shall make a determination as
40 48 provided in section 692A.126.

40 49 Sec. 59. Section 903B.1, Code 2009, is amended to
40 50 read as follows:

41 1 903B.1 SPECIAL SENTENCE == CLASS "B" OR CLASS "C"
41 2 FELONIES.

41 3 A person convicted of a class "C" felony or greater
41 4 offense under chapter 709, or a class "C" felony under
41 5 section 728.12, shall also be sentenced, in addition
41 6 to any other punishment provided by law, to a special
41 7 sentence committing the person into the custody of the
41 8 director of the Iowa department of corrections for the
41 9 rest of the person's life, with eligibility for parole
41 10 as provided in chapter 906. The board of parole shall
41 11 determine whether the person should be released on

41 12 parole or placed in a work release program. The
41 13 special sentence imposed under this section shall
41 14 commence upon completion of the sentence imposed under
41 15 any applicable criminal sentencing provisions for the
41 16 underlying criminal offense and the person shall begin
41 17 the sentence under supervision as if on parole or work
41 18 release. The person shall be placed on the

41 19 corrections continuum in chapter 901B, and the terms
41 20 and conditions of the special sentence, including
41 21 violations, shall be subject to the same set of
41 22 procedures set out in chapters 901B, 905, 906, and
41 23 chapter 908, and rules adopted under those chapters
41 24 for persons on parole or work release. The revocation
41 25 of release shall not be for a period greater than two
41 26 years upon any first revocation, and five years upon
41 27 any second or subsequent revocation. A special
41 28 sentence shall be considered a category "A" sentence
41 29 for purposes of calculating earned time under section
41 30 903A.2.

41 31 Sec. 60. Section 903B.2, Code 2009, is amended to
41 32 read as follows:

41 33 903B.2 SPECIAL SENTENCE == CLASS "D" FELONIES OR
41 34 MISDEMEANORS.

41 35 A person convicted of a misdemeanor or a class "D"
41 36 felony offense under chapter 709, section 726.2, or
41 37 section 728.12 shall also be sentenced, in addition to
41 38 any other punishment provided by law, to a special
41 39 sentence committing the person into the custody of the
41 40 director of the Iowa department of corrections for a
41 41 period of ten years, with eligibility for parole as
41 42 provided in chapter 906. The board of parole shall
41 43 determine whether the person should be released on
41 44 parole or placed in a work release program. The
41 45 special sentence imposed under this section shall
41 46 commence upon completion of the sentence imposed under
41 47 any applicable criminal sentencing provisions for the
41 48 underlying criminal offense and the person shall begin
41 49 the sentence under supervision as if on parole or work
41 50 release. The person shall be placed on the

42 1 corrections continuum in chapter 901B, and the terms
42 2 and conditions of the special sentence, including
42 3 violations, shall be subject to the same set of
42 4 procedures set out in chapters 901B, 905, 906, and
42 5 908, and rules adopted under those chapters for
42 6 persons on parole or work release. The revocation of
42 7 release shall not be for a period greater than two
42 8 years upon any first revocation, and five years upon
42 9 any second or subsequent revocation. A special
42 10 sentence shall be considered a category "A" sentence
42 11 for purposes of calculating earned time under section
42 12 903A.2.

42 13 Sec. 61. Section 907.3, subsection 1, Code 2009,
42 14 is amended by adding the following new paragraph:

42 15 NEW PARAGRAPH. m. The offense is a violation of
42 16 chapter 692A.

42 17 Sec. 62. Section 907.3, subsection 2, Code 2009,
42 18 is amended by adding the following new paragraph:

42 19 NEW PARAGRAPH. g. The offense is a violation of
42 20 chapter 692A.

42 21 Sec. 63. NEW SECTION. 915.17A NOTIFICATION BY
42 22 JUDICIAL DISTRICT DEPARTMENT OF CORRECTIONAL SERVICES.

42 23 A judicial district department of correctional
42 24 services shall notify a registered victim, regarding a
42 25 sex offender convicted of a sex offense against a
42 26 minor who is under the supervision of a judicial
42 27 district department of correctional services, of the
42 28 following:

42 29 1. The beginning date for use of an electronic
42 30 tracking and monitoring system to supervise the sex
42 31 offender and the type of electronic tracking and
42 32 monitoring system used.

42 33 2. The date of any modification to the use of an
42 34 electronic tracking and monitoring system and the
42 35 nature of the change.

42 36 DIVISION III
42 37 COHABITATION WITH A SEX OFFENDER

42 38 Sec. 64. Section 232.68, subsection 2, paragraph
42 39 i, Code 2009, is amended to read as follows:

42 40 i. Cohabitation with a person knowingly allowing a
42 41 person custody or control of, or unsupervised access
42 42 to a child or minor, after knowing the person is

42 43 required to register or is on the sex offender
42 44 registry under chapter 692A ~~in~~ for a violation of
42 45 section 726.6.

42 46 Sec. 65. Section 726.6, subsection 1, paragraph h,
42 47 Code 2009, is amended to read as follows:

42 48 h. Cohabits with a person knowingly allows a
42 49 person custody or control of, or unsupervised access

42 50 to a child or a minor after knowing the person is
43 1 required to register or is on the sex offender
43 2 registry as a sex offender under chapter 692A.
43 3 However, this paragraph does not apply to a person who
43 4 is a parent, ~~or guardian, or a person having custody~~
43 5 ~~or control over~~ of a child or a minor, who is required
43 6 to register as a sex offender, or to a person who is
43 7 married to and living with a person required to
43 8 register as a sex offender.

43 9 DIVISION IV
43 10 STATE MANDATE

43 11 Sec. 66. IMPLEMENTATION OF ACT. Section 25B.2,
43 12 subsection 3, shall not apply to this Act.>
43 13 #2. Title page, by striking lines 1 and 2 and
43 14 inserting the following: <An Act relating to the sex
43 15 offender registry, making fees applicable, and
43 16 providing for penalties.>

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43 20 _____
43 21 KEITH A. KREIMAN

43 22
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43 24 _____
43 25 STEVE KETTERING

43 26
43 27
43 28 _____
43 29 STEVE WARNSTADT

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43 31
43 32 _____
43 33 PAT WARD
43 34 SF 340.302 83
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